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## **Coordinating the Congolese Police Reform: Which role for the European Union?**

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## **Introduction**

For the Democratic Republic of Congo (DRC) the coming years, 2010 and 2011, can be a milestone in its internal and external development. In 2010 the DRC will be in the spotlights for its fifty years of independence and during the following year, the second democratic elections after the formal end of the transition in 2006, should take place. Both for the DRC and the international community, these events are an opportunity to look back on the past Congolese development process and the role of the international community therein. It also entails the opportunity to learn from past mistakes and cooperate even more intensively on more clearly defined priorities.

Especially since the signing in 2002 of the All Inclusive Agreement, that marked the start of the Congolese transition process, the country has been a spearhead in the European Union's development, foreign and security policy. During these past years, the European Union resumed its engagements with the DRC: in financial terms through the European Commission's Development DG, in diplomatic terms through a more prominent role of the High Representative and the EU Special Representatives Aldo Ajello, currently succeeded by Roeland van de Geer, and in operational terms through the deployment of several military and civilian ESDP missions. In addition, several member states of the EU (re-)intensified their relations with the DRC, through financial means, development initiatives, diplomatic engagements, and other instruments and initiatives.

The EU and its member states developed initiatives on almost all policy fields, from infrastructure, good governance, education, health and social protection, and security of the Congolese people. However, seven years after the signing of the All Inclusive Agreement, and 3 years after the first democratic elections in the country in 2006 that formally ended the transition process, these challenges are still omnipresent and the role of the European Union, and the rest of the international community is far from being accomplished. Even more, the formal end of the transition process created a new challenge for both the Congolese authorities and the international community. While the international community played the first violin in the DRC during the transition process, the end of it marked the start of Congolese leadership in the further development process and the initiatives of the international community.

Taking the reform of the Congolese police sector as a focal point, we see that effective Congolese leadership and coordination with and within the international community is a major, if not the most important challenge. This paper concentrates on this major challenge of coordination in European policies with regard to the Congolese police reform. In the first part, the multiple dimensions of

coordination between the various actors involved in foreign policies towards the DRC will be elaborated. The second part of the paper will deal with the European policies in the reform of the Congolese police sector and will contain an assessment of the role and functioning of the current coordination structures that are set up in Kinshasa to draft, organise and implement the Congolese police reform<sup>1</sup>.

The Congolese reform has been selected as a case for this research for multiple reasons. First, among the various challenges the Congolese government and society faces, internal security and stability is probably the most important one, and a prerequisite for development in other domains. However, for both the Congolese society and the international community, the Congolese police has never been a major priority, in comparison to the reform of the Congolese army. The reform of the national Congolese police (PNC) is still in its infancy which makes it interesting to follow and research its initial phases. Second, also in the empirical literature on development in the DRC, the Congolese police and its reform has hardly been at the centre of the academic debate. This research therefore contributes and complements the literature on the DRC and the international involvement.

## **Challenges of Multi-Level and Multi-Location Foreign Policy Coordination**

### **Dimensions of Coordination**

The question of coordination in foreign policy contains multiple dimensions (Reychler, 2010). First it deals with the actors involved. Before all the international players, the target country itself is the most important actor. However, at the level of the target country, a subdivision can be made between the multiple actors involved, such as governmental actors, civil society, NGO's, etc. This is also the case at the international level. Here, individual states play a crucial role, in addition to international or regional organisations, transnational movements, INGO's, and even private actors such as multinational corporations should be taken into account.

A second dimension relates to the patterns of coordination among these actors, or its purpose. Coordination can contain a mere exchange of information among the actors, or involve joint planning, collective problem-solving, or pooling of resources and cooperation on the implementation of policies. Foreign policy actors are driven by different motives, interests, agendas and goals, inspired by specific foreign policy traditions, and dispose of diverse and unequally divided foreign policy

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<sup>1</sup> The analysis is based on 35 interviews conducted by the author in Brussels (April-August 2009, October-November 2009) and in Kinshasa (September 2009).

capabilities (both material and immaterial resources<sup>2</sup>) and instruments. Yet, at the same time, the interconnectedness and complexity of most foreign policy dossiers renders it impossible for actors to tackle individually these problems. These characteristics of foreign policy actors and foreign policy problems create ambivalent patterns of interaction based on both interdependency and competitiveness between the actors.

Third, coordination can take multiple forms, which relates both to the number of coordinating actors (bilateral, multiple bilateral, multilateral) and to the nature of their interactions (in formal organizational structures or in informal networks). Bilateralism, multiple bilateralism and networking are of growing importance in the process policy-making that involves more and more actors and becomes increasingly complex. In view of the above-mentioned characteristics of foreign policy actors (resources, motives, etc.), choices are made to act through bilateral contacts, multiple bilateral contacts, networks or multilateral frameworks. For specific issues, particular actors might be more relevant to work with in terms of capabilities, efficiency, credibility, etc. This might lead to the creation of informal patterns of bilateral contacts, multiple bilateralism or networks. However, variations not only exist in terms of number of actors involved, differences are also possible in the intensity of the relations and contacts and the degree of formality of these interactions, leading to a kind of variable geometry in this coordination. The absence of hierarchy and formal procedures that characterize informal interactions between actors, makes it often easier to exchange sensitive information, to coordinate and mediate between actors, and to react swiftly to external changes and to conduct complex negotiations on differentiated and often technical issues. Moreover, with regard to foreign policy, these forms of coordination are taking place at the various locations where these actors are based (such as Brussels, New York and Kinshasa).

In the following sections, these dimensions of coordination will be further elaborated and applied to the European foreign policies towards the DRC, in which, as will be argued, only a few actors are really relevant. The case study will point to four interconnected levels of coordination: within the DRC (1) between the Congolese authorities and the Congolese civil society, and (2) within the Congolese government between various ministries; and at the external level (3) within the European Union, and (4) between the European Union and other international actors involved in the DRC.

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<sup>2</sup> Material resources are, for instance, financial and operational capabilities, number of diplomats and diplomatic representations. Immaterial resources consist, amongst others, expertise, knowledge, credibility, privileged relationships, but also public support for foreign policy actions.

A huge number of actors, both international and European, are, in the one way or the other, involved in the Congolese development process. Belgium, the UN, France and the US are already engaged for multiple decades, like some African countries such as Angola and South-Africa and African regional organisations such as the African Union (AU) and the Southern African Development Community (SADC). More recently, also other actors, such as China, the UK, Japan, Sweden, Germany and the EU institutions became active in different sectors in the DRC. However, important differences exist between all these actors in terms of interests, approach, financial and other resources, and the effective development of activities with regard to the Congolese development. Therefore, significant differences among these actors in terms of relevance, for the Congolese development and the Congolese government.

The diagram illustrates the DRC's relationships with six external entities. The DRC is at the center, represented by a dashed circle. Surrounding it are six entities: United Kingdom, Japan, MONUC, EU, Belgium, and South Africa. The United Kingdom and Japan are represented by solid circles with thick borders, while the other four are represented by solid circles with thin borders. The United Kingdom and Japan are connected to the DRC by solid lines. The other four entities are connected to the DRC by dashed lines. The United Kingdom and Japan are also connected to each other by a solid line. The other four entities are also connected to each other by a solid line.

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difficulties that impede or even undermine this central position, which will be dealt with in the following section. The DRC is the first actor all the external players have to cooperate with. As can be derived from the variable lines in the figure, important differences exist in the relations between the DRC and the various external actors. This also has an impact on the relations among the external actors, their approach and their coordination.

The figure also illustrates that with respect to the Congolese police reform, we observe that only a limited number of external actors matter. Before elaborating these actors, their characteristics and their interactions more into detail, figure 1 provides a simplified overview of the most significant players in the Congolese police sector. The thickness of the circles reflect the relative importance of the actors. At the European level, the UK is the most important actor. Its Department for International Development (DFID) has, for the coming five years, the most important budget for the support of the Congolese police reform and is consequently a very active but also very effective partner therein. More than the other actors, DFID developed a very good relationship with the Congolese (police) authorities which facilitates its work in the sector. For the EU institutions, the Delegation of the European Commission, and the Council's EUPOL mission accompany the Congolese police in its reform. Figure 1 presents Belgium as a relative important actor, however with some reservations to be made (represented by the dotted line of the circle). Belgium does not bilaterally develop initiatives in the Congolese police reform, but contributes in the framework of EUPOL RDC and is a very visible actor in Kinshasa, with of course a special relationship with the DRC. Probably even more than for other international players, the Congolese people has high expectations from the Belgians, which they, however, not meet yet<sup>3</sup>. At the extra-European level, the most important players are the United Nations Mission in Congo (MONUC), and Japan and South Africa on a bilateral basis.

However, the actors in this general picture are more complex than presented at first sight, and their interactions are determined by various factors. The different relationships and patterns of coordination between the external actors are not

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<sup>3</sup> As former colonial ruler the Belgians created the first police structures in the country that, what's more, functioned. This is a perception that has been passed on several generations and is still very present among the Congolese people. Belgium occupies an ambivalent position. The former colonial ruler has diplomatically not always a smooth relationship at the governmental level, and did exploit the Congolese population and resources, yet on the other hand, for the Congolese people 'Belgium' still represents the potential prosperity, stability and order that the country knew during the colonial rule. To completely grasp this, we need to understand the situation of the Congolese people today, who are still oppressed, whose resources are still exploited, and face insecurity, disorder and enormous poverty.

presented in this figure. The following sections will zoom in on the complexity of the Congolese and European actors in this reform and the patterns and forms of their coordination, internally and externally, in the reform of the Congolese police sector.

### **The Central Position of the DRC**

The most crucial actor for the development of foreign (aid) policies and the international coordination on these policies is the target country itself. It is the target country that needs to monitor and steer foreign interventions from other countries, on the basis of national strategies and integrated action plans in which the needs and priorities for the reform are elaborated. The target country should not only take the lead in these development policies ('ownership'), but its priorities and strategies should also be the first reference points for actors of the international community in the development of their policies ('alignment'). This should avoid development and reform 'blue-prints' from the international community that do not take country-specific situations, realities and priorities into account. Although this is acknowledged by both international donors (individual states and multilateral organisations) and developing countries in the 2005 Paris Declaration on Aid Effectiveness, in practice numerous problems challenge the principle of ownership, which in turn hampers the principle of alignment and the effectiveness of foreign policies towards the country.

Figure 2 illustrates that two dimensions of coordination are important at the level of the DRC as a first step in the policy process and the development of foreign policies of other countries. First between the government of the DRC (GDRC) and the civil society, the representing the Congolese population. In a country that has for decades been dominated by colonial rule till 1960 and from 1965 till 1997 by dictatorial rule, and that has for a large period of time been in war, a huge and multidimensional antagonism exists between the authorities and the Congolese people (Fieldhouse, 1983). Prosperity was distributed extremely unequally and in the hands of only a handful dignitaries. Basic provisions, such as education, health and social security, water, food and electricity, were totally dominated by the highest authorities, and policies were in the first place developed to serve the authorities. This was especially visible during last 20 years of General Mobutu's dictatorial rule, who illustrated at that time the personification and patrimonialism of political power and Congolese properties (Clapham, 1992; Englebert, 2000). Development and humanitarian aid from international donors did never trickle down to the Congolese people and even increased inequalities and corruption.

Till today this has important repercussions on the relations between the GDRC and the Congolese population. This is also visible at the level of the police, that has for



decades served as a protecting force for a small group of dignitaries, instead of serving the Congolese people. One of the most important deficiencies of the PNC is still its troubled relationship with the Congolese people, that perceives the police as a 'public force' instead of a 'public service'. Coordination between the GDRC and the civil society, and among the actors of the civil society is necessary to create strategies for 'community policing' (see also Hills, 2000) adapted to the expectations of the Congolese people.

However, at this first level of coordination, between the Congolese civil society and the GDRC, numerous difficulties arise, that will for reasons of simplicity be classified in a few categories. First of all, politically, civil society is not that organized and that strong as the coordination model assumes. The national Congolese police has no union to protect its interests. Moreover, the civil society organisations and unions that exist, experience huge difficulties to interact with political levels, to reach the Congolese people, and to organise their activities (or even survive) with the very limited means at their disposal. Second, territorially, the DRC is a country with a vast surface<sup>4</sup>. This means that huge differences exist between multiple parts in the country, linguistically<sup>5</sup>, politically and in terms of traditions and customs. It also means that civil society in Kinshasa is not the same as civil society in Kisangani, Lubumbashi or elsewhere in the country. As is the case in several developing countries, civil society in the DRC is relatively young actor, since it has for decades been oppressed by dictatorial rule. Obviously this has important repercussions for its relations with and impact on the Congolese population, its organisation, functioning and role in the Congolese development. Similar question marks are in order with regard to the role of political parties, and more in particular the political opposition parties. This contrasts sharply with the role and impact of churches in the DRC that have an important, yet not always favourable for the Congolese development, impact on the Congolese population.

A second level of coordination within the DRC is the coordination between multiple ministries and official structures involved in the Congolese police reform. The President of the Republic is of course *de facto* the most important player, assisted by the different ministries. In addition to the Ministry of Interior under which the police structures are located, multiple other ministries are involved in this reform process, such as the Ministry of Justice, the Ministry of Defence, the Ministry of Finance, the Ministry of the Plan, Ministry of Decentralisation, the

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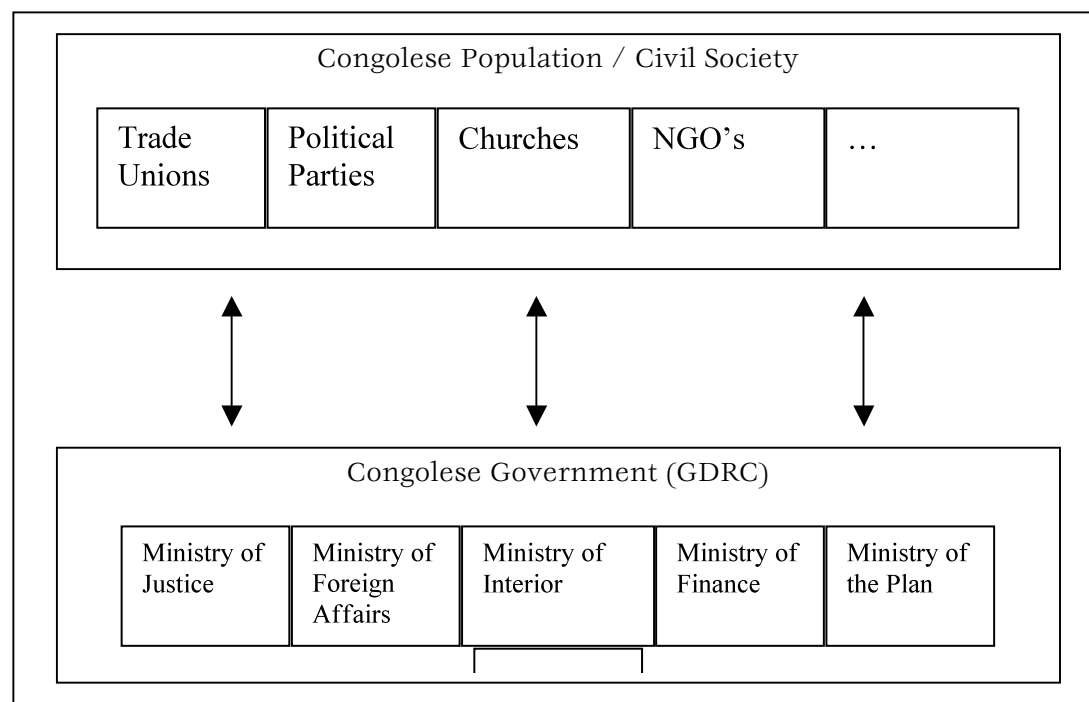
<sup>4</sup> The Democratic Republic of Congo has a surface of 2 345 000 km<sup>2</sup>, which is ca. 80 times larger than Belgium (30 528 km<sup>2</sup>). In comparison, the EU has a surface of 4 376 780 km<sup>2</sup>.

<sup>5</sup> The DRC has more than 456 different languages. French is the main language in the administration and education.

Ministry for Human Rights, etc. These ministries are involved since the reform of the PNC also includes the relations between the police and the judicial sector, between the police and the army, etc. Moreover, reforming the national police also requires the involvement of police and police authorities from all the state structures, provincial and local structures and their representatives. An integrated strategy for the reform of the Congolese police means that it part of a broader development strategy and complements reforms of other sectors such as the army and the judicial system. A general problem is also the lack of Congolese budget for its reforms. Especially due to corruption in the public administration and mismanagement of its natural resources, the Congolese government has only limited revenues (de Villers, 2009).

However, also at this level multiple problems arise with regard to coordination among these actors. First, the different ministries involved have different agendas, priorities, approaches, capabilities and interests in the police reform, and are, at the same time occupied with their own sectoral reforms. In practice, significant differences and tensions exist between various sectoral reform agendas, undermining their complementarity. Second, the ministers themselves are often replaced, even multiple times a year, which impedes the continuity of the interactions, both at the personal and institutional level. Moreover, when a minister is replaced, also his cabinet is replaced and it is not unusual that important information disappears together with the minister and its cabinet (Trefon, 2004). Third, in view of the vast surface of the country it is a difficult job to involve all actors from provincial and local structures. In addition, these state levels are also object of an important reform plan that aims to restructure the Congolese decentralisation in new provinces. This restructured decentralisation has not yet been implemented, so coordination between the central and the decentralised levels are still taking place on the basis of the current structures. In the future, however, coordination will continue with new actors in new structures.

Figure 2 *Coordination at the Congolese level*



In sum, multiple levels of coordination within the DRC occupy a central position in the formulation and implementation of development policies for the country, and more in particular the reform of the country's police sector. However, as has been argued, coordination among these levels and actors within the DRC is subject to major obstacles and difficulties that hamper the country in developing a comprehensive and integrated reform strategy and action plans. The difficulties (and even lack) of formulating and prioritizing actions results in serious troubles for the Congolese government in taking the lead in the Congolese police reform. For the external actors involved this means that their actions are not based on and aligned with Congolese action plans and priorities and therefore risk to become less effective or even in vain.

### **European and Extra-European Coordination**

At the European level, the most important actors in the Congolese police reform are the UK, the EU, and to a limited extent France, Germany and Belgium. However, at this level, complexities arise with regard to the European policies in the Congolese police reform, since the EU is a fragmented actor whose foreign policies are characterized by a multi-pillar, multi-level and multi-location nature (Justaert and Keukeleire, 2010).

First, the foreign policy of the EU has a 'multi-pillar' nature. EU foreign policy is conducted through both the EU's first, second and third pillar, comprising different policy dimensions for which varying regimes and procedures are in force, and

different instruments are available. Second, EU foreign policy has a 'multi-level' nature, since it remains predominantly a shared competence between the member states and the EU. Member states are able to conduct their own foreign policies by means of bilateral relations. An important aspect in this respect are the differences between the member states in their external representations. It is obvious that not all member states are represented in the DR Congo and participate actively in the operational policies on the field. In Kinshasa, only a handful of member states have their own embassy, of which the most important are the UK, France, Germany, Belgium and the Netherlands. Consequently, European coordination in Kinshasa does not involve all 27 member states. Third, in addition to bilateral initiatives and the EU as a political arena, member states pursue foreign policy objectives through multiple locations and fora, such as NATO, the OSCE, the UN, the international financial institutions, sub-regional cooperation forums. This is what we refer to as 'multi-location' foreign policy (see Wallace, 2005: 78; Keukeleire and MacNaughtan, 2008: 31-2). Moreover, nearly all foreign policy actions undertaken by the EU are developed in parallel to the actions of other countries and international organizations, such as the UN, the African Union (AU), the Southern African Development Community (SADC), etc. and sometimes also on their initiative or at their request. This explains the strong need to coordinate policy with other international organizations and other relevant third countries - both functionally, in terms of resource effectiveness, problem-solving and specialization, and operationally, in terms of exchanging information, meetings, joint programmes, studies, analyses and evaluations, sharing of best practices and lessons learned through implementation (Söderbaum and Stalgren, 2008: 17-21).

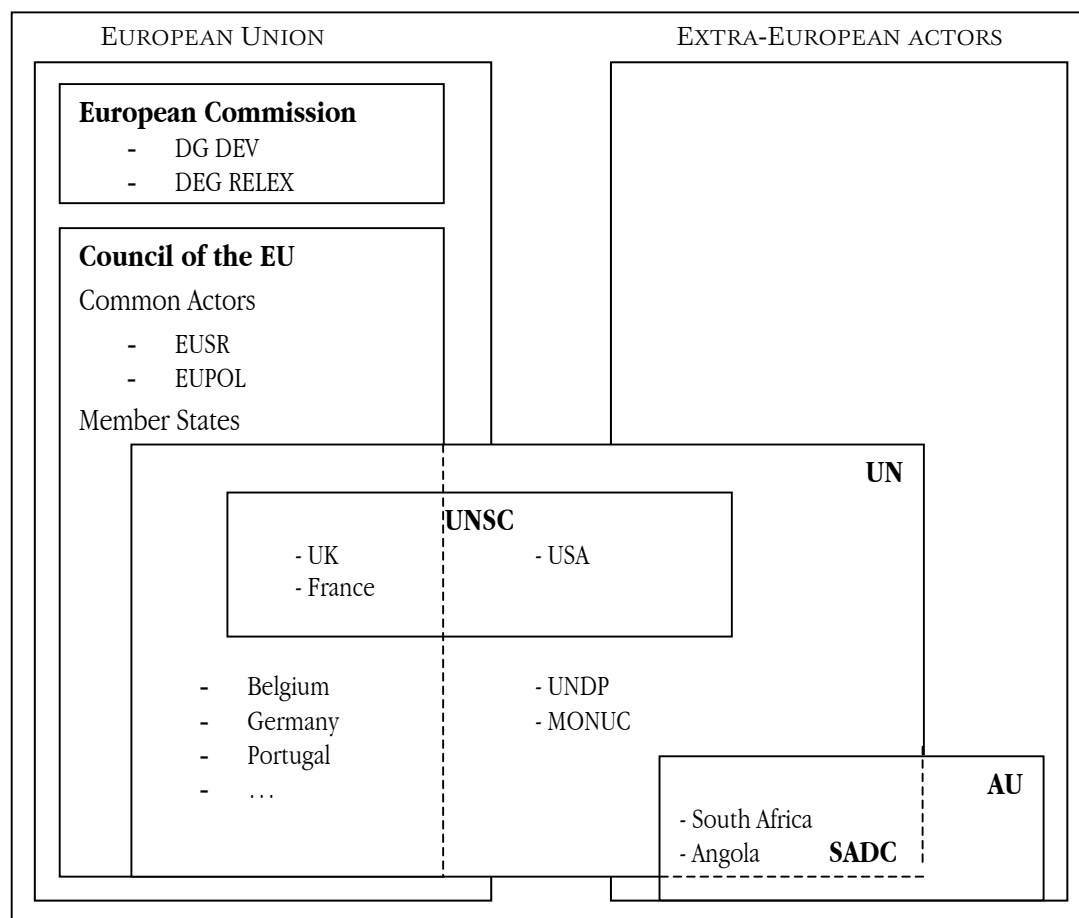
As a consequence, EU foreign policy-making involves a large number of actors (the member states, EU institutional actors and bodies, specialized agencies, and - although often disregarded in foreign policy - non-governmental organisations, etc.). This multi-divided nature of EU foreign policy, between the EU and its member states, among the member states themselves and among the EU institutions and bodies themselves, produces a wide range of constraints in terms of diverging interests, priorities, strategies, capabilities, and also in terms of coherence and effectiveness. Therefore, coordination is necessary both internally within the EU, and externally, between the EU and the other international players involved in the Congolese police reform. Internal, within the European Union as foreign policy actor, coordination is necessary among the European institutions (between the Commission and the Council), between the EU and its member states, and among the member states themselves. Externally, coordination is needed between the EU member states, EU institutional actors on the one hand and other international or regional organisations and third countries on the other.

However, despite the strong need for inter-organizational coordination, formal coordination mechanisms with other international actors are in general too weakly developed for allowing intensive and detailed coordination on specific foreign policy dossiers. Finally, even if some formal coordination mechanisms between various international actors do exist on a bilateral basis, what does not exist at all are formal coordination mechanisms that bring together a larger number of international actors - even though precisely this is needed in view of the 'multi-location' nature of foreign policy-making towards most issues.

Figure 3 aims to represent the European and extra-European (international) actors, and their institutional affiliations. With regard to the Congolese police reform, only a limited number of actors are really engaged. However, the figure illustrates that behind the international actors in figure 1, fragmented structures and complex relations arise.

At the EU level, both the European Commission and the Council are involved in the Congolese police reform (see also Justaert and Keukeleire, 2010). The reform demonstrates that the delineation between CFSP / ESDP and EC security competences is often not at all clear. The Council of the EU is diplomatically involved in this police reform through the EU Special Representative for the Great Lakes Region (EUSR) since 1996. This post was first occupied by Aldo Ajello (Spanish), and since 2007 by Roeland van de Geer (Dutch). Operationally, the Council has under its ESDP framework deployed two civilian police missions in support of the Congolese police. In 2005 EUPOL Kinshasa was launched that had to monitor and give advice to the Congolese Integrated Police Units (IPU) in view of electoral security (Martinelli, 2006, Remacle and Martinelli, 2007). This mission was succeeded by EUPOL RDC in 2007. The mandate of EUPOL RDC is larger than the mandate of its predecessor and is foreseen to end in 2010. While EUPOL Kinshasa concentrated on the creation of the IPU in Kinshasa, EUPOL DRC supports the entire Congolese National Police in terms of concepts for reform, training and equipment, and the relations between the police and the judicial sector.

Figure 3 *Coordination at the European and extra-European level*



Also the European Commission is involved in the Congolese police reform through various channels. Mainly through its (9<sup>th</sup> and 10<sup>th</sup>) European Development Fund (EDF), the Commission contributes to the police reform by providing equipment, infrastructure and technical support (European Commission 2008; Davis 2009a, 27-29; Davis 2009b). These initiatives are in support of other EU initiatives, such as EUPOL Kinshasa and EUPOL RDC, or in support of initiatives developed in other frameworks. Furthermore, the Commission contributes to the Congolese police reform via financial support to the UN Development Programme (UNDP), that is involved in the training and equipment of the PNC.

In these processes from both the Council and the Commission, several member states are involved. The provision of equipment for the IPU in Kinshasa (uniforms, anti-riot equipment, small weapons), for example, was assured by Germany, Hungary and Belgium. Also for ESDP operations, the EU relies on voluntary contributions of the member states, both for the financial part, and the operational part. To the personnel of EUPOL Kinshasa and EUPOL RDC, six member states contributed: Portugal (the head of EUPOL RDC is the Portuguese Custodio), Belgium, Italy, Sweden, France and the Netherlands (International Crisis Group,

2006). Moreover in EUPOL Kinshasa also Turkey and Canada contributed and in EUPOL RDC also Angolan police officers take part. Within these countries internally, multiple ministries are involved: not only Foreign Affairs and Defence, also Home Affairs, that detaches its police personnel and Budget, with traditional tensions and intra-governmental deals that go hand in hand when several governmental actors are involved that have to share responsibilities and financial consequences.

Among the EU member states, the UK is the most important actor in the Congolese police reform (as indicated in figure 1). Its development policy and programmes are managed by the Department for International Development (DFID) that also has a strong delegation in the DRC (based in Kinshasa). In addition to the UK, also other EU member states, such as France and Germany developed and still develop bilateral initiatives in the Congolese police reform, for some on top of their participation to EUPOL Kinshasa and RDC.

Belgium occupies a rather special position, as can be derived from the circle in dotted line in figure 1. Bilaterally, the country is not directly involved in the Congolese police reform, but concentrates on the reform of the army (International Crisis Group, 2006: 9-12). In the EU framework the Belgians contributed police personnel for both EUPOL Kinshasa and EUPOL DRC. Even more, although they operate under the umbrella of the ESDP mission, the Belgian police officers in EUPOL RDC are often approached as 'the Belgians', both by the Congolese police and other actors, such as South-Africa.

Apart from member states' bilateral initiatives and efforts in the EU framework, also other international organisations and arenas conduct security and defence policies towards the DRC. The UN and its various agencies play a central role in steering the international policy towards the DR Congo. The EU provides active support for the UN initiatives and in some cases also taking responsibility for part of the implementation of UN programmes. For instance, a part of the Commission's programmes are primarily aimed at supporting UN programmes (and NGO's). Moreover is the UN an important framework for EU member states to implement policies in the Congolese police reform through the MONUC. As permanent members of the UN Security Council, the UK and France also play an crucial role through this framework. In addition to the UN, also other international or regional organisations play a role in the Congolese police sector. Important in this respect is the support from the AU and the SADC, the latter chaired for two years (since September 2009) by the Congolese President Joseph Kabila.

Furthermore, also the Japanese, South-African and Angolan governments are bilaterally involved in the reform of the Congolese police sector. For South Africa and Angola, that are both members of the AU and the SADC, the intensive

participation is part of a broader strategy to create more African ownership in international development policies towards the continent. The initiatives and policies of these African states should also be taken into account in the European coordination frame, since particular member states maintain special relationships with them. For the UK, for instance, its former colony South Africa has always been a solid partner with similar approaches in the Congolese police reform. For the Portuguese head of EUPOL RDC, Custodio, the active participation of Angola is an important element.

### **The Congolese Police: Challenges and Obstacles towards Reform**

In this second part of the paper, we build on the previous analysis of coordination and its challenges to assess how the various actors defined have contributed, and still contribute to the Congolese police reform. First, a brief overview is presented of the Congolese police and the context of its reform. Second, this serves as a starting point for the analysis of the role of the European actors in this reform process, with special attention for the multiple challenges and difficulties of coordination among the actors involved, both in Brussels and Kinshasa.

#### **The challenges of the Congolese police**

The signing of the All Inclusive Agreement in December 2002 marked the start of the transition period in the DRC aimed to deliver democratic institutions, peace, and security in the entire country (Inter-Congolese Dialogue, 2002). The challenges during the transition were multiple. The transitional authorities, under the direction of interim-president Kabila and four vice-presidents, had to draft and adopt a new constitution, organise democratic elections, and bring peace and security to the entire country. In December 2005 the new constitution was adopted and in (July – October) 2006 the parliamentary and presidential elections took place (de Villers, 2009). The transition officially came to an end in October 2006 with the inauguration of Joseph Kabila as directly elected President of the Republic (Keane, 2008: 218). The establishment of peace and security in the country, however, has proven to be the most complicated and difficult challenge, which did not come to an end with the formal termination of the transition period. Especially in the East of the country, the instability remains enormous and is complicated by the difficult relationship among the conflicting parties, involving the Congolese army, police and multiple rebel groups, both Congolese and Rwandese.

The Congolese police is the first responsible for the security of the Congolese people. However, among the multiple challenges in the DRC, the reform of the police has hardly been a priority for the Congolese government nor for the international community. In comparison to the Congolese army, the police is a



sector in which the international community only recently engaged on the long term. This is also reflected in the All Inclusive Agreement, between the Congolese parties in the international donors, in which no reference to the PNC is incorporated. Unlike the judicial power and the army, for which the structures are incorporated in the agreement, the police is only been referred to in annex V, point 2.a.: “An integrated police force shall be responsible for ensuring the safety of the government and the population” (Inter-Congolese Dialogue, 2002).

However, the PNC is subject to multiple challenges and difficulties and does not manage to take up its role as a public service responsible for security of the Congolese people. The multiple deficiencies and challenges can briefly be classified in the following categories: structure, management, formation, and equipment and responsibilities. First, the existing structures of the PNC are extremely complex and rigid, and, for an immense country like the DRC, too centralised. Moreover, relations between the PNC and the judicial sector, and between the PNC and the national Congolese army (FARDC – Forces Armées de la République Démocratique du Congo) are at all levels not formally settled, and vary between different provinces and even between local communities. Second, its management is undermined by a high degree of corruption, which trickles down to the police officers at all levels. Salaries, for instance, do not always reach the police officers at the lowest levels, which keeps the corruption of police officers in the streets alive. Recruitment and promotion of police officers is often also dominated by corruption, or personal (kinship) relations. Third, police officers have a variable level of training, or even no training at all. This creates important differences between police officers in terms of level of engagement and perception on its role. Knowing that the PNC is not only compiled of new recruited police officers, but also of former combatants from rebel groups and officers that served under former (also dictatorial) police structures, training and a fundamental change of mentality are crucial elements for reform. Fourth, the PNC lacks the necessary budget and equipment to execute its responsibilities in “ensuring the safety of the government and the population” (cf. Inter-Congolese Dialogue, 2002). This latter challenge deals with concrete deficiencies such as the lack of police infrastructures (buildings), transport, material, communication media, etc. A severe consequence is the unwillingness of the police to intervene in particular situations and the focus on other not-provided missions, such as well-paid private security provision.

### **The Challenges of Leadership and Coordination**

Since the Congolese police reform has for long been outshined by other challenges for the Congolese government and the international community in the DRC, integrated coordination structures that bring together all the relevant actors in this

reform has only recently been put into place. International and European policies were first and foremost based on an ad hoc basis with a short-term perspective and with limited international coordination and a complete lack of Congolese ownership. The focus of these short-term ad hoc initiatives was the smooth organization of and security during the first democratic elections in the country in 2005, that were postponed to 2006. The transitional GDRC, headed by President Joseph Kabila, was only a second order player since it was created and legitimized under international supervision.

As has been elaborated, at the European level the Council deployed the civilian EUPOL Kinshasa mission to support the creation of the IPU's responsible for the securitization of the elections. The European Commission executed a preparatory training of the IPU in 2005 and supported in 2005 the police mission EUPOL Kinshasa by providing infrastructure, logistics and equipment for the IPU. This has been done under the Commission's umbrella through a budget line of the European Development Fund (EDF). It makes clear that for the EU institutions, the training of police officers is not exclusively an ESDP affair.

In addition to the support of the EU institutions, also some of its member states developed initiatives for the securitisation of the elections on an individual basis. Especially France and the UK contributed an important amount of financial and operational assistance to the police in its job to guarantee secure elections. The UK Development Agency provided more than £8 million for the training and equipment of the police in the wake of the elections and "has probably gone furthest in developing general security sector reform policy guidelines" (International Crisis Group, 2006: 9; Davis, 2009a: 27-29). France took, for instance, part in the training of the Congolese police, in particularly the Rapid Intervention Police (PIR) in 2004, also in view of the securitization of the elections.

The real work towards the reform of the Congolese police started in November 2005 with the creation of the *Groupe Mixte de Réflexion sur la Réforme et la Réorganisation de la Police Nationale Congolaise* (GMRRR). It was composed of 23 experts: seven Congolese members and 16 members from international donors. The tasks of GMRRR were to (1) formulate recommendations for the definition of the future police in respect of the new constitution adopted by the transitional assembly, and to (2) draft a proposal for organic law for the organisation and functioning of the future PNC. The proposed organic law adopted by the GMRRR in May 2006 contains provisions on new, less complex police structures, provisions on recruitment and promotion conditions and rights and duties for police officers, and provisions on the relations between the PNC, the judicial sector and the army (RDC - Ministère de l'Intérieur, Décentralisation et Sécurité, 2007a). The organic law

aims to tackle important deficiencies of the actual police, as defined above, such as the complexity of the current police structures and the maladministration and even corruption in the recruitment and promotion conditions.

Based on the work of the GMRRR, an action plan had to be developed to implement the reforms incorporated in the organic law. This conceptual work is carried out in the mixed *Comité de Suivi de la Réforme de la Police* (CSRP) that was created in February 2008 (Council of the EU, 2008; RDC - Ministère de l'Intérieur, Décentralisation et Sécurité, 2007b). The CSRP brings together Congolese and international actors under Congolese leadership, executed by General Ellesse from the Congolese Ministry of Interior. From the Congolese part, this involves representatives from various ministries (Interior, Justice, Defence, Finance, etc.), the PNC and the civil society. From the international part, the most important players in the CSRP are EUPOL RDC, MONUC (UNPOL), the European Commission (that financed the headquarter of the committee), South-Africa, the UK, Angola, France, etc. (RDC - Ministère de l'Intérieur, Décentralisation et Sécurité, 2007c). For the elaboration of the general action plan, the CSRP was divided into multiple working groups, each concentrating on a specific issue, for instance the budget, the relations with the judicial sector, the new police structures, etc. Depending on the issue at stake, representatives from various Congolese ministries participate in these working groups (RDC - Ministère de l'Intérieur, Décentralisation et Sécurité, 2007b).

However, the CSRP is subject to multiple structural deficiencies and criticisms from important actors in the Congolese police reform. First, theoretically it unites all actors involved in the Congolese police reform. In practice, however, the committee suffers from instability and credibility. First, the CSRP is based in Kinshasa in which the participation of Congolese actors (authorities, police and civil society) from other parts of the country lack. For instance, only in September 2009 provincial police authorities were invited in Kinshasa to get an image of the CSRP. Second, the representatives of the PNC do not necessarily represent the opinion and approach of the PNC authorities, nor of other police officers. The same holds true for the CSRP's president, General Ellesse, who has a troubled relationship with the current Minister for Interior and Inspector-General, which undermines the credibility of his work, and more in general the work of the CSRP<sup>6</sup>. Third, although all the international actors involved in the Congolese police reform are members of the CSRP, in practice only a few actors actually show up for the daily

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<sup>6</sup> An important explanation for this troubled relationship between General Ellesse and Inspector-General Numbi is their background. Both men are former militaries, however the former was part of the militias that lost the war and the latter was part of the winning camp.

proceedings of the committee, resulting in a relatively limited number of general coordinating meetings.

Perhaps the most important criticism of some international actors concerns the domination of EUPOL RDC in the CSRP. In Kinshasa, the mandate and role of EUPOL RDC focussed in the first place on the support to the Congolese authorities in the conceptualization of the police reform in the CSRP. From the beginning, EUPOL RDC, together with UNPOL took the lead in this process, partly because the Congolese representatives lacked leadership, yet partly to take and anchor a more extensive role in the Congolese police reform. This role of EUPOL RDC in Kinshasa has almost come to an end and other European and international partners are ready to take over, to accompany the Congolese police with the implementation of the reforms. Yet, both in Brussels and Kinshasa, it seems hard to bring the civilian EUPOL RDC to an end. In Brussels, it is the aspiration of particular member states to prolong operational presence in the Congolese police reform. Yet, this did not lead to a significant update or extension of its mandate. In Kinshasa, EUPOL RDC is very keen to continue its role as main coordinator, although this is not necessarily shared by the other European and international actors on the field.

However, the CSRP managed to draft a reform action plan for the coming fifteen years, and an immediate short-term action plan for the first three years. Its conceptual role has almost come to an end since, once these action plans will be adopted by the GDRC, the implementation phase of the Congolese police reforms can start. The adoption of this action plan is very important since the priorities defined in it will serve as the main focus for the international community, and bring an end to the ad hoc initiatives that dominated the international efforts in the Congolese police in the recent past.

This should be understood in view of the UK's presence and activism in the Congolese police reform. In the framework of its 'Security Sector Accountability and Police Reform' programme, £80 million will be devoted to the DRC the coming five years, of which £40 million for the police reform (DFID, 2008). This amount has been granted to the private consultancy organisation PricewaterhouseCoopers (PwC) after a public tender, that has been given the responsibility to accompany the Congolese police in its reform. The involvement of a private company is rather remarkable and has a very clear impact on the effectiveness of the implementation of the Congolese police reform. PwC has been granted a first slice of this budget, and will be evaluated by DFID after two years before the second part of this budget will be granted. Therefore, PwC has a more business oriented approach ('time is money') than most other international actors involved in the Congolese police reform.

However, in the British (i.e. PwC) approach concrete results will be achieved in cooperation with the Congolese (police) authorities rather than in cooperation with EUPOL RDC. With the adoption of the action plan and the start of the implementation phase of the Congolese police reform, a new coordination structure needs to be created within the existing PNC structures, or, at least should the Congolese authorities take up its role as real leader of the CSRP. Coordination under the direct leadership of the PNC will definitely not be the most ‘comfortable’, yet necessary for the operational coordination and the ownership of the Congolese police of their reforms.

Figure 4 *Coordination Structures in the Congolese Police Reform*

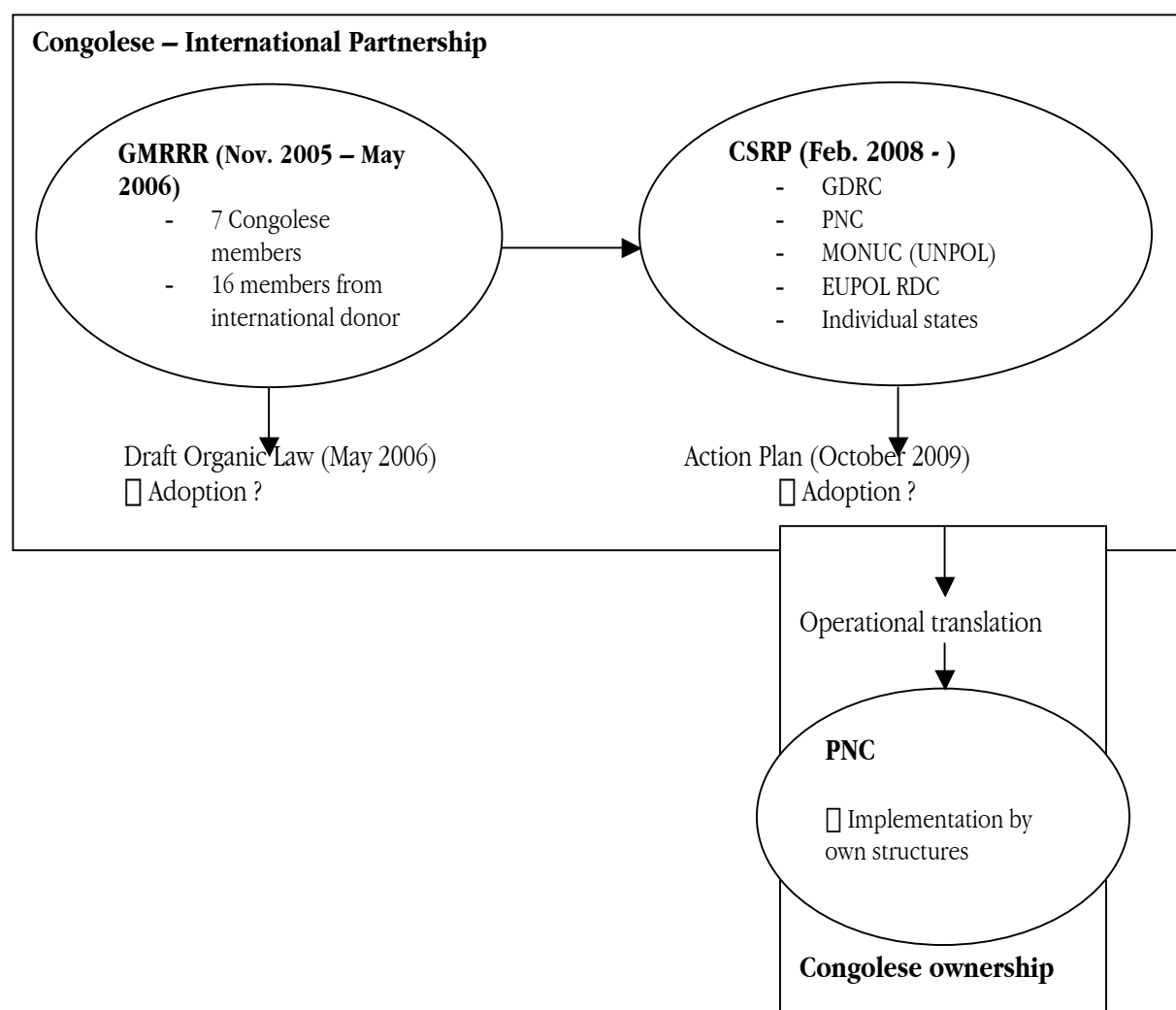


Figure 4 illustrates the former, current and future coordination structures and steps in the reform of the Congolese police. The start of the implementation with a clear and Congolese defined focus for the international players in this reform, is, however, hampered by the lack of Congolese engagement in the reform of the police, and more in general the lack of leadership of the GDRC. The draft organic

law presented by the GMRRR in 2006 on the new organisation, structures and functioning of the PNC is up till now not adopted yet. For more than two years, an intra-governmental struggle, for instance between the Ministry of Interior and the Ministry of Justice on the status and the authority over the judicial police (OPJ) impeded the GDRC to adopt the organic law and paralysed the progress in the police reform. The reason why the struggle on the draft organic law lasted for more than two years is the overload of priorities for the Congolese authorities and the diverse interests and agendas of various Congolese governmental actors. Or, to put it differently, the reform of the PNC has never been a top priority for the Congolese government. The reform action plan drafted by the CSRP and presented to the GDRC in October 2009, will also have to be adopted by the Congolese authorities. A new or adapted structure under the framework and leadership of the PNC will have to be created to translate the priorities in the action plan in operational terms that can be implemented by the PNC.

### **Conclusion: what role for the European Union?**

The Democratic Republic of Congo is at the crossroads the coming years. This will also have an important impact on the European and international policies towards the DRC. The question for these policies is not what goals the EU puts first for the DRC. The questions are rather what goals and priorities the DRC puts first and how the EU, its member states and the international community can contribute to their realisation. As has been argued in this paper, the formulation and adaptation of the Congolese priorities and action plans in the Congolese police reform is probably the most important challenge for both the GDRC and the international community. The lack of Congolese long-term perspectives and ownership of the PNC procures an ongoing domination of the international actors in this police reform.

The role of EUPOL RDC seems to be contested, however, the mission is at least providing the leadership and coordination that is lacking from the part of the Congolese government. As has been argued, the alternative risks to be a complete lack of leadership and coordination, and consequently a complete lack of progress in the field of security sector reform, and more in particular the Congolese police sector. Politically, it seems impossible for the European Union to leave the country.

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